

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
v.)	Cause No. 1:08-cr-04-SEB-KPF
)	
DALE RUSSELL,)	
Defendant.)	

**DEFENSE COUNSEL’S MOTION FOR LEAVE TO WITHDRAW
AND FOR APPOINTMENT OF REPLACEMENT COUNSEL
UNDER THE CRIMINAL JUSTICE ACT**

Assistant Federal Defender James C. McKinley respectfully moves the Court for leave to withdraw as counsel for Defendant Dale Russell, and for appointment of co-counsel Jessie Cook under the Criminal Justice Act, 18 U.S.C. § 3006A, and in support states:

1. In September, 2009, undersigned counsel was appointed to represent Defendant, and has represented Defendant through trial proceedings that culminated in Defendant’s conviction on March 3, 2010.
2. Prior to trial, and pursuant to the request of undersigned counsel, Attorney Jessie Cook entered her appearance *pro bono* as co-counsel for Defendant for purposes of trial only.
3. Undersigned counsel is scheduled to retire from the Federal Defenders office effective April 1, 2010. In light of counsel’s retirement, counsel would request leave to withdraw from Defendant’s case, and would request further that attorney Jessie Cook be appointed under the Criminal Justice Act, 18

U.S.C. § 3006A, to represent Defendant through sentencing and the filing of a notice of appeal.

Respectfully submitted,

s/James C. McKinley

James C. McKinley
Indiana Federal Community Defenders, Inc.
111 Monument Circle, Suite 752
Indianapolis, IN 46204
317-383-3520

CERTIFICATE OF SERVICE

I certify a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Gayle Helart

s/James C. McKinley

James C. McKinley